

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FEDERAL DEPOSIT INSURANCE
CORPORATION as Receiver for CITIZENS
NATIONAL BANK and as Receiver for
STRATEGIC CAPITAL BANK,

Plaintiffs,

v.

BEAR STEARNS ASSET BACKED
SECURITIES I LLC, *et al.*,

Defendants.

No. 12 Civ. 4000 (LTS) (MHD)

**STIPULATION AND [PROPOSED]
ORDER DISMISSING MERRILL LYNCH
DEFENDANTS WITH PREJUDICE**

Plaintiffs Federal Deposit Insurance Corporation as Receiver for Citizens National Bank and as Receiver for Strategic Capital Bank (“FDIC”), and Defendants Merrill Lynch Mortgage Investors, Inc., Merrill Lynch Mortgage Capital Inc., and Merrill Lynch, Pierce, Fenner & Smith Incorporated (collectively, the “Merrill Lynch Defendants”), by and through their counsel of record, hereby stipulate as follows:

WHEREAS, the parties have reached an agreement to settle the FDIC’s claims against the Merrill Lynch Defendants in this action;

NOW, THEREFORE, it is hereby stipulated, subject to the Court’s approval, that the FDIC’s claims against the Merrill Lynch Defendants in this action are dismissed with prejudice, pursuant to Federal Rule of Civil Procedure 41. The FDIC and the Merrill Lynch Defendants further expressly waive any and all rights of appeal of the FDIC’s claims against the Merrill Lynch Defendants in the above-captioned action, and the parties further agree that each party shall bear its own costs and attorneys’ fees.

IT IS SO STIPULATED.

Dated: New York, New York
November 13, 2014

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and Merrill Lynch, Pierce, Fenner & Smith
Incorporated*

SO ORDERED, at New York, New York:
_____, 2014

Hon. LAURA T. SWAIN
United States District Judge